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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 NEXTDOOR.COM, INC., a Delaware
 12 corporation,

13 Plaintiff,

14 v.

15 RAJ ABHYANKER, an individual,
 16 Defendant.

Case No.: 3:12-cv-05667-EMC-NMC

**RAJ ABHYANKER'S WITNESS LIST
 PURSUANT TO DKT 398**

Pretrial
 Conference: November 25, 2014
 Time: 2:30 p.m.
 Courtroom: 5, 17th Floor
 Judge: Hon. Edward M. Chen
 Trial Date: December 8, 2014

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 SAN FRANCISCO

Defendant Raj Abhyanker's Witness List and Brief Descriptions of Anticipated Testimony

Defendant Raj Abhyanker ("Mr. Abhyanker") respectfully submits his scaled-down witness list and anticipated time for direct examination of each witness, including the review by each witness and introduction into evidence of his pre-marked exhibits. Mr. Abhyanker reserves the right to amend this witness list and summaries of anticipated testimony until, and during, trial.

1. Alex Gault

Alex Gault was a former vice-president of marketing at LegalForce, Inc. in 2006. He is anticipated to testify that Mr. Abhyanker first used the Nextdoor name in commerce in conjunction with a neighborhood social network in testing in the neighborhoods of Menlo Park based on original Nextdoor walking maps created by Mr. Abhyanker in 2005. Mr. Gault will attest that Mr. Abhyanker is the inventor of the Nextdoor neighborhood-based social networking concept, and provide a summary of his efforts in support of developing that concept. (.5 hour)

2. Warren Myer

Warren Myer was the largest investor in LegalForce, Inc. in 2006. He is anticipated to testify that he invested just at the time when pilot testing of Mr. Abhyanker's Nextdoor neighborhood-based social network was taking place in 2006, and that he became a "neighborhood lead" – a select customer, as it were - for the very similar version of Nextdoor.com managed by the plaintiff. Mr. Myer will also be prepared to testify that he was privy to Mr. Abhyanker's prototyping and public use of the Nextdoor neighborhood social network in 2006, and its subsequent transition to a wider iteration. Mr. Myer will attest that Mr. Abhyanker is the inventor of the Nextdoor neighborhood-based social networking concept. (.5 hour)

3. Babar Rana

Babar Rana is a Business Manager at Google, and a former assistant to Mr. Abhyanker and former Chief Executive of LegalForce, Inc. between 2005 and 2008. Mr. Rana is anticipated

1 to testify that he created mockups and user interfaces of Mr. Abhyanker's version of the Nextdoor
2 neighborhood social network in 2006, and worked with Mr. Abhyanker to file patent applications
3 related to the Nextdoor neighborhood social network in 2006-2008. Mr. Rana will further attest
4 that Raj is the inventor of the Nextdoor neighborhood-based social networking concept. (1 hour)

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6 **4. Chandu Thota**

7 Chandu Thota, now an engineer at Google, and a co-founder of Mr. Abhyanker's version
8 of Nextdoor in 2006, is anticipated to testify that he rebuilt the Nextdoor source code built by
9 Sandeep Sood for Raj Abhyanker LLP in 2006 for the next iteration of the Nextdoor concept.
10 Mr. Thota will also recall Mr. Abhyanker's long history with the Nextdoor name and efforts to
11 develop it. Mr. Thota will further attest that Mr. Abhyanker is the inventor of the Nextdoor
12 neighborhood social networking concept. (1 hour)

13
14 **5. Jeff Drazan**

15 Jeff Drazan, a Silicon Valley venture capitalist, is anticipated to testify as to a meeting
16 during which he saw Mr. Abhyanker's version of Nextdoor in 2006, based on the neighborhood
17 walking maps Mr. Abhyanker had created in 2005. Mr. Drazan will further testify as to the
18 transition of Nextdoor into a wider, more inclusive, concept, which led to his investment of
19 \$500,000. Mr. Drazan will also testify that Mr. Abhyanker is the inventor of the Nextdoor
20 neighborhood social network. Mr. Drazan will also testify to Mr. Abhyanker's efforts through
21 2011 to try to secure the Nextdoor.com domain, as well as to Mr. Abhyanker's efforts to build
22 new, and protect existing, concepts in the neighborhood-based social networking space. (1 hour)

23 **6. Bill Harris**

24 Bill Harris, a former Chief Executive Officer of Paypal, is anticipated to testify that in a
25 2006 meeting he saw Mr. Abhyanker's version of Nextdoor based on Mr. Abhyanker's
26 neighborhood walking maps created in 2005-06. Mr. Harris will further testify as to the
27 development of the Nextdoor concept into a wider, more inclusive, iteration, and his investing of
28 \$500,000 into the effort. Mr. Harris will attest that Mr. Abhyanker is the inventor of the

1 Nextdoor neighborhood social networking concept. (1 hour)

2
3 **7. Sandeep Sood**

4 Sandeep Sood will recall developing code for Mr. Abhyanker's version of Nextdoor in
5 2006 while an independent contractor to Raj Abhyanker LLP. Mr. Sood will further recall filling
6 out a survey for plaintiff's CTO Prakash Janikiraman, his friend from college, prior to plaintiff's
7 adoption of Nextdoor.com, prior to plaintiff having taken any steps to secure that domain name,
8 and during pilot testing after having pivoted from a failed concept months earlier. (1 hour)

9
10 **8. Jon Berryhill**

11 In the event of questions as to document authenticity, with respect to documents which are
12 currently the subject of Mr. Abhyanker's motion to exclude, Jon Berryhill, a computer forensics
13 technician for many years, will testify as an expert as to the forensic preservation of documents
14 related to Mr. Abhyanker's version of Nextdoor in and around 2006. (.5 hour - not necessary if
15 motion *in limine* granted)

16 **9. Dongxia Liu**

17 Dongxia Liu, a long-time business associate and co-officer of Mr. Abhyanker, is
18 anticipated to testify as to his use of the Nextdoor name and concept on the eDirectree website in
19 and around 2009, and that he constantly strove to use and develop, and not to abandon, the
20 Nextdoor neighborhood-based social networking concept from the moment she started working
21 with him in late 2007. Among other things, Ms. Liu will recall Mr. Abhyanker's repeated efforts
22 to secure the Nextdoor domain, and to raise funds for a company based on the Nextdoor concept
23 to restart operations between 2008 and 2011. (.5 hour)

24
25 **10. Jeffrey Sheldon**

26 Jeffrey Sheldon, a patent and trademark expert and author of wide renown as detailed in
27 his expert report, is anticipated to testify as an expert as to Mr. Abhyanker's ownership rights in
28 the Nextdoor name, and, by connection, in the domain Nextdoor.com, by way of the granting of

1 patent claims claiming Nextdoor.com in a granted U.S. Patents issued in 2014, with priority
 2 dating back to October 2006. Mr. Sheldon will opine that the patents are presumed valid in the
 3 absence of clear and convincing evidence to the contrary. Mr. Sheldon will support his opinion
 4 by reference to Mr. Abhyanker's U.S. and international disclosure of the Nextdoor name in a
 5 published patent in September 2007. Mr. Sheldon is further expected to opine that, consequently,
 6 Mr. Abhyanker has intellectual property rights in the Nextdoor name within the field of
 7 neighborhood social networking. (1.5 hours)

8 9 **11. Emily McIntire**

10 Emily McIntire will testify to the fact that she walked with Mr. Abhyanker in a targeted
 11 Menlo Park neighborhood to hand out flyers to local businesses and post signs about the onset of
 12 Nextdoor as a neighborhood-based social network in 2006. (.5 hour)

13 **12. Prakash Janikiraman**

14 As a hostile witness, it is anticipated that Prakash Janikiraman will testify that he chose
 15 the Nextdoor name for plaintiff after testing plaintiff's then un-named concept in a Menlo Park
 16 neighborhood, and only after Sandeep Sood filled out a survey for plaintiff – all of which enabled
 17 plaintiff to pivot from a desperately-failing venture into Mr. Abhyanker's neighborhood-based
 18 social networking realm. (1 hour)

19 20 **13. Nirav Tolia**

21 As a hostile witness, it is anticipated that Nirav Tolia will testify as to his signing of the
 22 Nextdoor trademark application in 2011, in which he represented that he was unaware of anyone
 23 else who might claim rights to the Nextdoor name, even though he had advance knowledge of
 24 Mr. Abhyanker's rights in the Nextdoor name through the form filled out by Sandeep Sood prior
 25 to the naming of his business Nextdoor.com, and after testing in the same Menlo Park
 26 neighborhood as had Mr. Abhyanker. Mr Tolia is further expected to testify as to the extent of
 27 his discussions when interviewing and being considered for the CEO position of Mr. Abhyanker's
 28 former company Fatdoor I. (1 hour)

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